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date: 5 November 1994
serial no.: Application No. 08/506,032 entitled "Data Entry Method and Apparatus"
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Donald K. Forest

5 November 1996

From the desk of...

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#17
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Donald K. Forest

Serial No.: 08/506,032

Filed: 24 July 1995

Title: DATA ENTRY METHOD
AND APPARATUS

Group Art Unit:

2609

Examiner:

Regina Liang

Applicant Document Number:

032-10

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Madam:

TELEPHONE INTERVIEW SUMMARY

Applicant submits this Telephone Interview Summary in accordance with 37 C.F.R. §1.2 and MPEP 713.04. This Telephone Interview Summary is filed on or about the date of the telephone interview.

Applicant respectfully solicits the Examiner's review of this Telephone Interview Summary and entry thereof into the record of this Application.

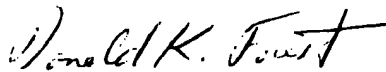
On 4 November 1996 I spoke by telephone with Mr. Richard Hjerpe, Supervisory Patent Examiner, Group Art Unit 2609. I informed Mr. Hjerpe that the Patent Examiner previously assigned to this Application, Mr. Ulysses Weldon, had on three separate occasions postponed, a week each time, the date of the interview, according to my attorney who was dealing with Examiner Weldon at the time. On 18 October 1996, a day before the expiration of four months from the statutory period for response to the Office Action, restarted from 19 June 1996, my attorney and I met Examiner Weldon in his office for the interview. My attorney and I had each invested considerable time preparing for the interview. I had prepared a demonstration of the prototype of the invention. My attorney had had extensive conversations with Examiner Weldon

prior to the interview. On 28 October 1996, Examiner Weldon called me to inform me that he was retiring after approximately 30 years at the Patent and Trademark Office (PTO), effective *one hour* from the time of his call to me. All the time, money and effort my attorney and I expended up to that time in preparation for the interview was wasted, and Examiner Weldon knew it would be. PTO management also knew or should have know that this time, money and effort would be wasted. Examiner Weldon simply strung us along, and PTO management allowed him to do so. Examiner Weldon and PTO management knew he was retiring and when, knew or should have known that another Examiner would have to be assigned to examine this Application, and that, if I wanted the *deciding* Examiner to see the prototype and so better understand the invention at issue in this Application, a second interview would be necessary.

The cost of PTO's negligence is substantial. My attorney recently billed me \$2501.80 for his services, most of which were spent preparing for and attending the interview.

I explained to Mr. Hjerpe that I wanted to conduct an interview with Examiner Liang prior to responding to the Office Action and that doing so would require some time. However, delaying my response to the Office Action into the sixth month following the Office Action entails a substantial fee. It is not fair that I be penalized for being unknowingly strung along by Examiner Weldon. Therefore I requested that Mr. Hjerpe restart the statutory period for response to the Office Action. Mr. Hjerpe refused my request, saying that restarting the statutory period would be "inappropriate". However, Mr. Hjerpe did say the the next office action in this Application would not be made final, that after submitting a response to the Office Action I could arrange an interview with Examiner Liang, and thereafter submit a supplemental response including an affidavit if I wished.

Respectfully submitted,



Donald K. Forest

Applicant

Date: 5 November 1996

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